

FILED by **SL** D.C.

Jan 15, 2016

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
16-14001-CR-MARTINEZ/LYNCH**

Case No. _____

**7 U.S.C. § 136(b)(1)(B)
18 U.S.C. § 1001
18 U.S.C. § 2**

UNITED STATES OF AMERICA

vs.

**SUNLAND PEST CONTROL
SERVICES, INC.,
GRENALE WILLIAMS, and
CANARIE DEON CURRY,**

Defendants.

INFORMATION

The United States Attorney charges that:

COUNT 1

**Using A Restricted Use Pesticide In A Manner
Inconsistent With Its Labeling
(7 U.S.C. § 136(b)(1)(B))**

From on or about June 1, 2015 and continuing through on or about August 16, 2015, in
Martin County, within the Southern District of Florida, and elsewhere, the defendants,

**SUNLAND PEST CONTROL SERVICES, INC.,
GRENALE WILLIAMS, and
CANARIE DEON CURRY,**

being a commercial applicator of a restricted use pesticide under the Federal Insecticide,
Fungicide, and Rodenticide Act, knowingly used Zythor, a registered and restricted use pesticide,
in a manner inconsistent with its labeling, to wit:

(A) Prior to the application of Zythor:

- (1) failing to provide the required Zythor Fumigant Structure Occupant Fact Sheet to an adult occupant of the structure to be fumigated;
- (2) failing to open all operable interior doors, openings to rooms, attics, sub-areas, storage rooms and closets; and
- (3) failing to shut off natural gas service to the structure at the main service valve.

(B) Subsequent to Application of Zythor and During Aeration and Clearance:

- (1) failing to have two persons trained in the use of the restricted use pesticide, present on site from the first opening of the tent seal until the securing of the structure at the end of the initial aeration period;
- (2) failing to use a required, approved respiratory protection device to enter the fumigated space at the first opening of the tent seal and during the aeration procedure when the concentration of the restricted use pesticide within the breathing zone of the fumigated space is unknown;
- (3) failing to aerate the fumigated space with all operable exterior windows and doors open, aided by the use of one or more fans capable of displacing at least 5,000 cubic feet of air per minute, for a minimum of one hour;
- (4) failing to post standard warning signs around the fumigated structure during the removal of the tent and ensuring those warning signs remain posted until aeration was complete and final clearance for re-occupancy was given; and

- (5) failing to conduct a required clearance of the fumigated structure following a complete aeration procedure by sampling the air within the breathing zone of the fumigated space with an approved and properly calibrated Low Fumigant Level Detection Device until measured levels of the restricted use pesticide were less than one part per million within the breathing zone of the fumigated space.

(C) Clearance and Re-Occupancy Notification:

- (1) hanging a clearance and re-occupancy notice on the front entrance to the fumigated structure without completing the mandated aeration and clearance procedure; and
- (2) failing to post the clearance and re-occupancy notice on all other exterior doors to the fumigated structure.

All in violation of Title 7, United States Code, Sections 136l(b)(1)(B), 136j(a)(2)(G), 136l(b)(4); and Title 18, United States Code, Section and 2.

COUNT 2
False Statement
(18 U.S.C. § 1001)

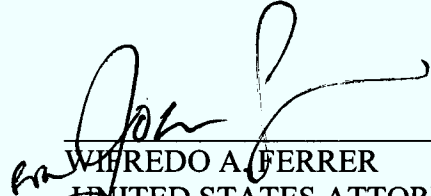
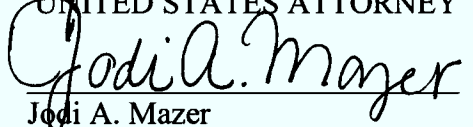

From on or about August 20, 2015 and continuing through on or about August 27, 2015, in Martin County, within the Southern District of Florida, and elsewhere, the defendant,

SUNLAND PEST CONTROL SERVICES, INC.,

in a matter within the jurisdiction of the executive branch of the Government of the United States, that is, the Environmental Protection Agency, did knowingly and willfully make materially false, fictitious, and fraudulent statements and representations, in that the defendant submitted information in two signed affidavits, other documents, and oral representations to the Florida

Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, during an investigation of the misapplication of restricted use pesticides resulting in an alleged poisoning stating that: 1) the restricted use pesticide Vikane was used, when in truth and in fact, a different restricted use pesticide, Zythor, was used to fumigate the home; and 2) that the fumigation, aeration, and clearance of the home had been conducted in accordance with the manufacturer's labeling requirements, when in truth and in fact, and as the defendant then and there well knew, the label requirements were not followed for either the restricted use pesticide the defendant claimed it used (Vikane) or the restricted use pesticide it actually used (Zythor).

In violation of Title 18, United States Code, Sections 1001 and 2.


WILFREDO A. FERRER
UNITED STATES ATTORNEY

Jodi A. Mazer
Special Assistant U.S. Attorney

Thomas Watts-FitzGerald
Assistant United States Attorney

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

SUNLAND PEST CONTROL SERVICES, INC., et al.

Defendant.

Superseding Case Information:

Court Division: (Select One)

_____ Miami _____ Key West
_____ FTL _____ WPB X FTP

New Defendant(s) Yes _____ No _____
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) NO
List language and/or dialect _____
4. This case will take 0 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I	0 to 5 days	<u>X</u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No No

If yes:

Judge:

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

Case No. _____

(Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the _____

District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes X No

Jodi A. Mazer

JODI A. MAZER
SPECIAL ASSISTANT UNITED STATES ATTORNEY
Court ID# 0186503

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: SUNLAND PEST CONTROL SERVICES, INC., et al.

Case No: _____

Count #: 1

Using a Restricted Use Pesticide In A Manner Inconsistent With Its Labeling

Title 7, United States Code, Section 136/(b)(1)(B)

*** Max. Penalty:** 1 year imprisonment

Count #: 2

False Statement

Title 18, United States Code, Section 1001

***Max. Penalty:** 5 years imprisonment

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: GRENALE WILLAMS

Case No: _____

Count #: 1

Using A Restricted Use Pesticide In A Manner Inconsistent With Its Labeling

Title 7, United States Code, Section 136/(b)(1)(B)

*** Max. Penalty:** 1 Year Imprisonment

Count #:

***Max. Penalty:** _____

Count #:

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: CANARIE DEON CURRY

Case No: _____

Count #: 1

Using A Restricted Use Pesticide In A Manner Inconsistent With Its Labeling

Title 7, United States Code, Section 136/(b)(1)(B)

*** Max. Penalty:** 1 Year Imprisonment

Count #:

***Max. Penalty:** _____

Count #:

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

United States of America)	
v.)	Case No.
SUNLAND PEST CONTROL SERVICES, INC.,)	
)	
<i>Defendant</i>)	

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Craig Lawson, Esq.
Printed name of defendant's attorney

Judge's signature

U.S. MAGISTRATE JUDGE
Judge's printed name and title